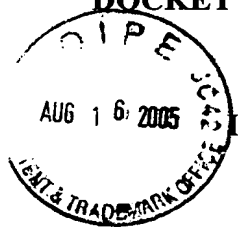


8-17-05

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2193
JFW
PATENT

DOCKET NO.: BELL-0124 / 01118



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Max L. Musser, et al.

Application No.: 09/966,040

Filing Date: September 28, 2001

For: SYSTEM AND METHOD FOR AUTOMATED SOFTWARE DISTRIBUTION
IN A FIBER OPTIC NETWORK

Confirmation No.: 4570

Group Art Unit: 2193

Examiner: Wood, William H.

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EXPRESS MAIL LABEL NO: EV325728756US
DATE OF DEPOSIT: August 16, 2005

EV325728756US

☒ Mail Stop AF ☐ Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL PURSUANT
TO 37 CFR § 1.114**

(Note - RCE practice is not available to United States applications with a filing date prior to June 8, 1995 or United States National Phase Applications where entry into the national phase is from an International Application filed prior to June 8, 1995. However, if a Continued Prosecution Application was filed after June 8, 1995 in one of the above-identified applications, RCE practice would then be permitted on that application)

This is a Request for Continued Examination (RCE) under 37 CFR § 1.114 of the above-identified application.

1. Submission required under 37 CFR § 1.114

- ☐ Previously submitted
- ☐ Consider the amendment(s)/reply under 37 CFR § 1.116 previously filed on . (Any unentered amendment(s) referred to above will be entered).
- ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on .

☐

Other:

☒

Enclosed

☐

Amendment/Reply under 37 CFR § 1.116

☐

Affidavit(s)/Declaration(s)

☐

Information Disclosure Statement (IDS)

☒

Other: Amendments and Arguments in Support of Patentability of the Claims Pursuant to 37 CFR § 1.114

2. Miscellaneous

☐

Suspension of action on the above-identified application is requested under 37 CFR §1.103(c) for a period of _____ months. (Period of suspension shall not exceed three (3) months; Fee under 37 CFR §1.17(i) required)

FEE CALCULATION:

| | | | | SMALL ENTITY | | NOT SMALL ENTITY | |
|--|----------------------------------|----------------------------|-------|---------------|-------|------------------|----------|
| <input checked="" type="checkbox"/> RCE BASIC FILING FEE | | | | \$395.00 | \$ | \$790.00 | \$790.00 |
| | CLAIMS REMAINING AFTER RCE | HIGHEST NO. PAID FOR | EXTRA | | | | |
| TOTAL CLAIMS | 20 | 20 (20 MINIMUM) | -0- | \$25 EACH | \$ | \$50 EACH | \$-0- |
| INDEP. CLAIMS | 3 | 4 (3 MINIMUM) | -0- | \$100 EACH | \$ | \$200 EACH | \$-0- |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT | | | | \$180 | \$ | \$360 | \$-0- |
| <input type="checkbox"/> ONE MONTH EXTENSION OF TIME | | | | \$60 | \$ | \$120 | \$-0- |
| <input type="checkbox"/> TWO MONTH EXTENSION OF TIME | | | | \$225 | \$ | \$450 | \$-0- |
| <input type="checkbox"/> THREE MONTH EXTENSION OF TIME | | | | \$510 | \$ | \$1020 | \$-0- |
| <input type="checkbox"/> FOUR MONTH EXTENSION OF TIME | | | | \$795 | \$ | \$1590 | \$-0- |
| <input type="checkbox"/> FIVE MONTH EXTENSION OF TIME (May only be taken when filing RCE in lieu of Appeal Brief) | | | | \$1080 | \$ | \$2160 | \$-0- |
| <input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID | | | | minus | (\$) | minus | (\$-0-) |
| <input type="checkbox"/> TERMINAL DISCLAIMER | | | | \$65 | \$ | \$130 | \$-0- |
| TOTAL FEE DUE | | | | | \$ | | \$790.00 |

☒

A check in the amount of **\$790.00** is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.

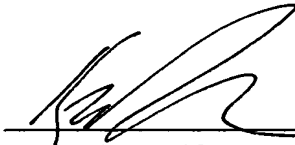
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Please charge Deposit Account No. 23-3050 in the amount of \$.00.
This sheet is attached in duplicate.

- ☐ A response to the _____ dated _____ was due on _____. Petition is hereby made under 37 CFR § 1.136(a) to extend the time period for response from _____ to and through _____ comprising an extension of the shortened statutory period of _____ month(s).
- ☐ A Notice of Appeal was filed _____. An Appeal Brief is due on _____. Applicants are filing this Request for Continued Examination in lieu of this Appeal Brief. Petition is hereby made to extend the time period from _____ to _____ and through _____ comprising a total extension of _____ month(s).
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account No. 23-3050. This sheet is provided in duplicate.
- ☒ The Commissioner is hereby authorized to charge any deficiency or credit any overpayment of the fees associated with this communication to Deposit Account No. 23-3050.

SHOULD ANY DEFICIENCIES APPEAR with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

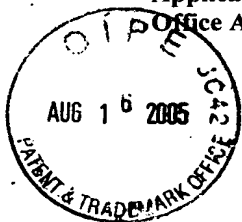
Date: August 16, 2005


Kenneth R. Eiferman
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Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439

DOCKET NO.: BELL-0124 / 01118
Application No.: .: 09/966,040
Office Action Dated: June 16, 2005

**AMENDMENTS AND ARGUMENTS IN SUPPORT
OF PATENTABILITY OF THE CLAIMS
PURSUANT TO 37 CFR § 1.114**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Max L. Musser, et al.

Confirmation No.: **4570**

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DATE OF DEPOSIT: August 16, 2005**

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**AMENDMENTS AND ARGUMENTS IN SUPPORT OF PATENTABILITY OF THE
CLAIMS PURSUANT TO 37 CFR § 1.114**

In response to the Official Action dated **June 16, 2005**, and in connection with the filing herewith of a Request for Continued Examination, reconsideration of the application is respectfully requested in view of the following amendments and arguments in support of patentability of the claims:

- ☐ **Amendments to the Specification** begin on page _____ of this paper.
- ☒ **Amendments to the Claims** are reflected in the listing of the claims which begins on page 2 of this paper.
- ☐ **Amendments to the Drawings** begin on page _____ of this paper and include an attached replacement sheet.
- ☒ **Remarks** begin on page 6 of this paper.